IN THE CLAIMS

Claims 1 – 7 are pending in this application with claims 1, 4, 6 and 7 being amended by this response. New claims 8 – 10 are added for consideration by this response.

1. (Currently Amended) Method for ~~changing the output delay of~~ <u>aligning first audio data with related second</u> audio or video data ~~encoding~~ <u>before multiplexing</u>, wherein input time stamps are generated which become linked with audio or video data to be encoded and <u>which</u> are used to control the delay of the encoding process, <u>and</u> wherein output time stamps are derived from the input time stamps by using a data delay constant and are assigned to the encoded data for indicating the output time, and wherein the encoded data with assigned output time stamps are buffered before output, **characterised** in that

 - <u>the output delay of the first audio data is adapted to the output time of the related second audio or video data;</u>

 - for a change of the output delay said data delay constant is changed<u>,</u> ~~that;~~ -
- already assigned output time stamps remain unchanged<u>;</u> and ~~that~~

 - for data for which output time stamps are not already assigned, the output time stamps are calculated using the new data delay constant.

2. (Original) Method according to claim 1, wherein during a gap in the sequence of output time stamps appearing at delay increase, stuffing data or zero data or even no data are sent.

3. (Original) Method according to claim 1, wherein for data with same or overlapping output time stamps appearing at delay reduction, the later data indicating output time stamps that are already passed are discarded.

4. (Currently Amended) Method according to ~~any of claims~~ claim 1, wherein for delay reduction no further data are written into the output delay buffer beginning with the delay change request for a time duration corresponding to the difference between the old data delay constant and the new data delay constant, and wherein the new data delay constant is used for the calculation of the output time stamps for all following data.

5.   (Original) Method according to claim 1, wherein discontinuities of the audio or video data are softened by the encoder.

6. (Currently Amended) Method according to claim 1, wherein ~~the~~ discontinuities are softened by fading ~~in~~ out before the gap or skipped part and fading ~~out~~ in after the gap or skipped part.

7.   (Currently Amended) Apparatus for ~~performing a method according to claim 1~~ aligning first audio data with related second audio or video data for common encoding, wherein input time stamps are generated which become linked with audio or video data to be encoded and which are used to control the delay of the encoding process, wherein output time stamps are derived from the input time stamps by using a data delay constant and are assigned to the encoded data for indicating the output time, and wherein the encoded data with assigned output time stamps are buffered before output, characterized in that the apparatus includes:

       means for adapting the output delay of the first audio data to the output time of the related second audio or video data, wherein said data delay constant is modified; and

       means for using the changed data delay constant for the calculation of the output time stamps for following portions of the fist audio data, wherein already assigned output time stamps remain unchanged.

8.   (New) Apparatus according to claim 7, wherein the means for changing said data delay constant is utilized upon operator request.

9.   (New) Apparatus according to claim 7, wherein for delay reduction no further data is written into the output buffer beginning with the delay change request for a time duration corresponding to the difference between the old data delay constant and the new data delay constant, and wherein the new data delay constant is used for the calculation of the output time stamps for all following portions of the first audio data.

10.   (New) The method according to claim 1, wherein the output delay is changed upon request of an operator.